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Dated: May 3, 2004 Signature:  (Grace L. Yu)

Docket No.: 251502008600
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rudolf C. BARENDESE et al.

Art Unit: 1652

Application No.: 09/089,871

Examiner: D. Ramirez

Filed: June 4, 1998

For: HIGH-ACTIVITY PHYTASE COMPOSITIONS

RESPONSE AFTER FINAL UNDER 37 C.F.R. §1.116

Mail Stop AF
Commissioner for Patents
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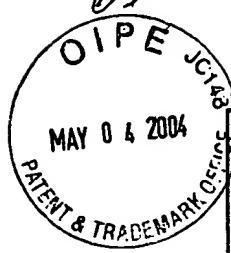
Dear Sir:

This is in response to the final Office action mailed November 3, 2003, in connection with the above-identified application. Filed herewith is a Petition and fee for a three month extension of time, thereby extending the deadline for response to May 3, 2004. Accordingly, this response is timely filed.

Applicants have given careful consideration to the grounds for rejection. The following remarks are believed to place this application in condition for allowance, which is respectfully requested.

05-05-04

AF/1652



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

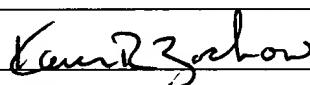
(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|-------------------|
| | | Application Number | 09/089,871 |
| | | Filing Date | June 4, 1998 |
| | | First Named Inventor | Rudolf C. BARENDE |
| | | Art Unit | 1652 |
| | | Examiner Name | D. Ramirez |
| Total Number of Pages in This Submission | 21 | Attorney Docket Number | 251502008600 |

ENCLOSURES (Check all that apply)

| | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form + duplicate for fee processing (2 pages) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (10 pages) <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (1 page) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer (1 page) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Remarks | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Appeal (1 page) Copy of Patent Assignment Agreement dated April 21, 2004 (3 pages) Revocation of Power of Attorney and New Power of Attorney (2 pages) Return Receipt Postcard |
|---|--|--|

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | MORRISON & FOERSTER LLP (Customer No. 25225) Karen Zachow, Ph.D. - 46,332 |
| Signature |  |
| Date | May 3, 2004 |

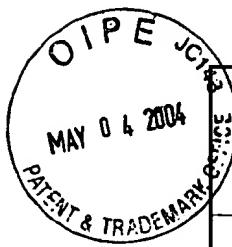
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Dated: May 3, 2004

Signature: 

(Grace L. Yu)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

| | |
|---|---|
| <input type="checkbox"/> | Applicant claims small entity status. See 37 CFR 1.27 |
| TOTAL AMOUNT OF PAYMENT (\$ 1390.00) | |

| Complete if Known | |
|----------------------|---------------------|
| Application Number | 09/089,871 |
| Filing Date | June 4, 1998 |
| First Named Inventor | Rudolf C. BARENDESE |
| Examiner Name | D. Ramirez |
| Art Unit | 1652 |
| Attorney Docket No. | 251502008600 |

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments

 Charge any additional fee(s) or any underpayment of fee(s)

 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | 0.00 | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | 0 | x | 0.00 |
| Independent Claims | 0 | x | 0.00 |
| Multiple Dependent | | | 0.00 |

| Large Entity | Small Entity | Fee Description |
|--------------------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | Fee Description |
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | 0.00 |

**or number previously paid, if greater; For Reissues, see above

| 3. ADDITIONAL FEES | | |
|---------------------|---------------|--|
| Large Entity | Small Entity | |
| Fee Code (\$) | Fee Code (\$) | |
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet |
| 1053 130 | 1053 130 | Non-English specification |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action |
| 1251 110 | 2251 55 | Extension for reply within first month |
| 1252 420 | 2252 210 | Extension for reply within second month |
| 1253 950 | 2253 475 | Extension for reply within third month |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month |
| 1401 330 | 2401 165 | Notice of Appeal |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal |
| 1403 290 | 2403 145 | Request for oral hearing |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding |
| 1452 110 | 2452 55 | Petition to revive - unavoidable |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) |
| 1502 480 | 2502 240 | Design issue fee |
| 1503 640 | 2503 320 | Plant issue fee |
| 1460 130 | 1460 130 | Petitions to the Commissioner |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) |
| 1802 900 | 1802 900 | Request for expedited examination of a design application |
| Other fee (specify) | 1814 | Statutory Disclaimer |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

1390.00

| SUBMITTED BY | | (Complete if applicable) | | |
|-------------------|------------------------|--------------------------------------|--------|--------------------------|
| Name (Print/Type) | Karen Zachow, Ph.D. | Registration No. (Attorney/Agent) | 46,332 | Telephone (858) 720-5191 |
| Signature | <i>Karen D. Zachow</i> | | Date | May 3, 2004 |